

RESOLUTION NO. 55-86

NIGHT HAWK AND BLACK PANTHER
COUNTY ROAD IMPROVEMENT DISTRICT

A RESOLUTION TENTATIVELY AWARDING CONTRACT AND APPROVING THE DIAGRAM AND ACKNOWLEDGING THE RECORDING OF THE ASSESSMENT AND PROVIDING THAT DEMANDS FOR ASSESSMENTS BE MADE AND PROVIDING FOR NOTICE OF HEARING ON ASSESSMENTS.

WHEREAS, the Board of Directors of the Night Hawk and Black Panther County Road Improvement District adopted a Resolution ordering certain work to be done within the District; and

WHEREAS, a Notice of Passage of the Resolution ordering work and inviting bids was posted and published as required by law; and

WHEREAS, sealed bids having been opened and read in accordance with A.R.S. Sec. 48-922 at the time and place and as provided in the invitation for bids on a Contract to pave certain roads within the District, and it having determined, upon the finding and report of the Superintendent of Streets that:

Joy T. Pearce Construction Incorporated is the lowest qualified bidder; and

WHEREAS, on June 10, 1986 the Board of Directors adopted a Resolution Ordering Improvements in the Night Hawk and Black Panther County Road Improvement District described in the Resolution of Intention to Order Improvements adopted on May 5, 1986; and

WHEREAS, the proceedings are being held in accordance with Article 1, Chapter 6, Title 48, Arizona Revised Statutes; and

WHEREAS, there has been prepared a diagram as required by A.R.S. Sec 48-927 and an Assessment levied against the lots and parcels of property within the District; and

WHEREAS, a contract for the construction of the work has been awarded this date, subject to the terms and conditions thereof to the above named bidder whose bondsman is Fidelity and Deposit of Maryland, for the amount of \$137,007; and

WHEREAS, the Assessment, a copy of which is attached hereto and incorporated

herein by reference has been recorded in the office of the Superintendent of Streets, which Assessment covers the cost of the project plus incidentals for a total amount of \$179,400.

THEREFORE, BE IT RESOLVED THAT:

1. It is hereby ordered this 8 day of July, 1986 that the Contract be awarded to Joy T. Pearce Construction Incorporated in accordance with the bid submitted, in an amount not to exceed \$137,007 and that the same be entered into in accordance with law by the Superintendent of Streets on Tuesday, the 12~~th~~ day of August, 1986.
2. That the Contract and all work done thereunder shall be in accordance with the plans and specifications prepared by the District's Engineer, said plans and specifications having been heretofore filed with the Clerk of this District. Any change orders must be approved by this Board.
3. This award is contingent upon the payment of assessments and sale of bonds by the District in sufficient amount to pay the costs of said improvements. The issuance of the Notice to Proceed with the work shall be deemed a waiver of this contingency and said Notice shall only be issued after the bonds are sold and monies collected.
4. That the Clerk of this Board shall execute a Notice of Award and shall cause the same to be published one time in the Pinetop-Lakeside News as required by A.R.S. Sec. 48-923.

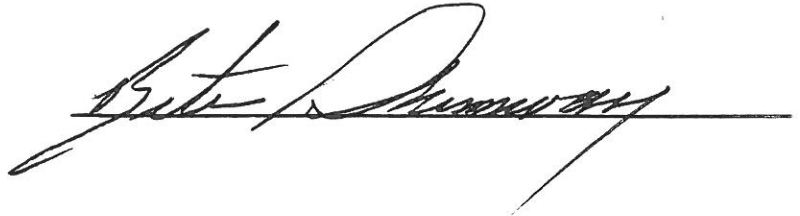
BE IT FURTHER RESOLVED THAT:

1. The diagram heretofore filed for Night Hawk and Black Panther County Road Improvements District, a copy of which is incorporated herein by reference, is hereby approved in all respects; and the recording of the Assessment, a copy of which is attached and which is approved, is acknowledged.
2. That the Board of Directors shall give notice of a time when it will hear and pass upon the Assessment and the proceedings had and taken, as required by A.R.S. Sec.48-928(E); a copy of said Notice being attached hereto and incorporated herein by reference.
3. That at any time after the recording of the return of the Assessment as set forth in A.R.S. Sec 48-935(C), bonds will be issued to represent unpaid Assessments.

4. That the Board of Directors hereby reaffirms its position set forth earlier in these proceeding in the Resolution forming said District and the Resolution of Intention to Order Improvements that each parcel set forth in the Assessment will be benefitted by the improvements to be constructed.
5. The Assessment includes the sum due for the work performed and specified in the Contract and incidental expenses of said work and Assessment.
6. The form of the Assessment is approved and the Superintendent of Streets is authorized to record the same.
7. All Assessment installments shall be collected in the manner provided for the collection of County Taxes, pursuant to A.R.S. sec. 48-946.

ADOPTED this 8th day of July, 1986.

BOARD OF DIRECTORS
NIGHT HAWK AND BLACK PANTHER
COUNTY ROAD IMPROVEMENT DISTRICT



ATTEST:

Sharon A. Keens
Clerk

APPROVED AS TO FORM:

Attorney for Night Hawk and Black Panther
County Road Improvement District

DC/NHBPCRID

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